

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

MATTHEW BRADLEY,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 5:19-cv-249-FL
	)	
ANALYTICAL GRAMMAR, INC.,	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF CHRISTOPHER M. THOMAS**

Pursuant to 28 U.S.C. § 1746 and Rule 54(d) of the Federal Rules of Civil Procedure, I, Christopher M. Thomas, hereby declare as follows:

1. This declaration is being submitted in support of Defendant's Motion For Attorneys' Fees, Costs, and Expenses Pursuant to 28 U.S.C. § 1927 and The Court's Inherent Authority (the "Motion").

2. I am over 18 years of age, suffer from no known disability, and have personal knowledge of the facts set forth herein. All the statements in this declaration are true and correct. The documents attached to this declaration are true and correct copies of the originals.

3. I am currently, and for all times relevant to this matter have been, an attorney at Parker Poe Adams & Bernstein LLP ("Parker Poe") and local counsel for Defendant Analytical Grammar, Inc. ("Defendant" or "Analytical Grammar") in the above-captioned action.

4. I have over 17 years of experience in intellectual property litigation. My practice focuses on intellectual property rights and disputes, including copyright litigation.

5. I am a North Carolina State Bar board-certified specialist in trademark law, originally certified in 2015 and recertified in 2021.

6. I am the chair of the North Carolina Bar Association Intellectual Property Law Section's copyright committee.

7. I was awarded "Lawyer of the Year" in 2019 for my work in copyright law in Raleigh by *The Best Lawyers in America*®. I have also been included in *The Best Lawyers in America*® in the categories of Intellectual Property Litigation (from 2018-2021); Copyright Law (from 2019-2021); Trademark Law (from 2020-2021); and Trade Secrets Law (in 2021). I have been listed in *Chambers USA: America's Leading Lawyers in Intellectual Property* from 2013-2021. I am profiled as a "Top Rated Intellectual Property Litigation Attorney in Raleigh, NC" in *Super Lawyers*® for which I was selected in 2021. Prior to that, I was selected by *Super Lawyers* as a "Rising Star" in 2013. I was included in *Business North Carolina* magazine's "Legal Elite" in Intellectual Property Law in 2012, 2013, and 2018. In 2020 and 2021, I was included in the *World Trademark Review's 1000: The World's Leading Trademark Professionals*.

8. Catherine Lawson is an attorney and former clerk to the Chief Justice of North Carolina. Ms. Lawson worked with me on various intellectual property litigations and contentious matters, including many copyright matters.

9. Sloan Carpenter is an attorney and former clerk to a Judge on the North Carolina Court of Appeals. Ms. Carpenter works with me on intellectual property litigation and contentious matters, including copyright matters.

10. As part of my representation of Defendant, I am familiar with all of the legal services provided to Defendant by Parker Poe. These services were either performed by me or under my supervision.

11. A summary of the rates of timekeepers at Parker Poe who worked on this litigation is below:

<i>Timekeeper</i>	<i>Position</i>	<i>Date of Admission into First State Bar</i>	<i>Rates</i>
Christopher M. Thomas	Partner	2003	\$425
Catherine R. L. Lawson	Associate	2012	\$350
Sloan L. E. Carpenter	Associate	2018	\$295
M. Kathy Thompson	Paralegal	—	\$265
Carrie J. Marshall	Paralegal	—	\$235
Victoria B. Burn	Paralegal	—	\$225
Candace Mayhew	Paralegal	—	\$205-210
Marcia M. Bibb	Paralegal	—	\$200
Tina P. Routh	Paralegal	—	\$195

12. Defendant incurred attorneys' fees from Parker Poe in the amount of \$24,985.50 from the beginning of our representation of the Defendant through the entry of the Court's Order granting Defendant's Motion for Summary Judgment [DE 63] on March 3, 2021.

13. Defendant incurred costs in the amount of \$1,066.22 from the beginning of our representation of the Defendant through the entry of the Court's Order granting Defendant's Motion for Summary Judgment on March 3, 2021.

14. These hourly rates and expenses described herein are reasonable, customary, and consistent with the hourly rates and expenses of similarly-sized law firms in Raleigh, North Carolina.

15. A copy of each invoice from Parker Poe to Defendant in this litigation covering the period of time from the beginning of our representation of Defendant through March 3, 2012 is attached hereto as Exhibit 1 (the "Parker Poe Invoices"). The Parker Poe Invoices contain descriptions of the services provided by each Parker Poe timekeeper and of the costs incurred during this period.

16. On March 30, 2021, the U.S. District Court for the Middle District of North Carolina (Eagles, J.) found Mr. Thomas's, Ms. Carpenter's, and Ms. Routh's rates to be "reasonable" in a trademark infringement action and awarded over \$25,000 in attorneys' fees to

Parker Poe's client in connection with the client seeking to hold a defendant in contempt for continuing to infringe the client's trademark rights. *See Pizza My Heart v. LPMH, et al.*, No. 1:20-cv-00077-CCE-JEP (M.D.N.C. Mar. 30, 2021) [DE 26 at p.9] attached as Exhibit 2.

17. The Motion is not seeking recovery of Parker Poe's attorneys' fees incurred after the entry of the Court's Order granting Defendant's Motion for Summary Judgment, or in connection with this declaration or motion.

18. Accordingly, the total costs and fees incurred by Defendant in connection with Parker Poe's services from the beginning of our representation of Defendant through March 3, 2012 is \$26,051.72, which consists of \$24,985.50 in fees and \$1,066.22 in costs, as shown on the Parker Poe Invoices.

19. All of the services performed and expenses incurred by Parker Poe and Defendant in this litigation were necessary to defend Defendant against Plaintiff's claims. My significant experience in copyright law was required to defend this action. We staffed this matter leanly and efficiently by allocating tasks to properly-skilled attorneys and paralegals with lower billing rates as appropriate. For example, Ms. Lawson represented Analytical Grammar at the only deposition in the case and during the mediation.

20. This case demanded substantial time from Parker Poe. Such time could have been spent on other billable matters.

21. Attached hereto as Exhibit 3 is a true and correct copy of the Court Reporter's invoice in the amount of \$611.40 for the deposition of Plaintiff Matthew Bradley, which was conducted December 12, 2019.

22. Parker Poe's total costs for printing and duplication during the relevant time period were \$391.10.

23. No part of Parker Poe's fee was contingent or fixed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the 8th day of July, 2021.



---

Christopher M. Thomas

# Exhibit 1



Attorneys & Counselors at Law

THREE WELLS FARGO CENTER  
SUITE 3000  
401 S. TRYON STREET  
CHARLOTTE, NORTH CAROLINA 28202-1942  
704-372-9000  
Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: September 19, 2019  
Invoice Number: 736415  
Matter Number: 33696-00001  
CMT

---

#### INVOICE SUMMARY

*For Professional Services through August 31, 2019*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	<u>685.00</u>
Due This Invoice	\$	685.00

**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
08/28/19	VBB	Review Complaint and case docket, prepare Notices of Appearance for C. Thomas and C. Lawson, and prepare Motion for Extension of Time to Answer or Otherwise Respond to Complaint and proposed Order	1.2
08/29/19	CRL	Prepare motion for extension of time to answer complaint and finalize other submissions	0.5
08/29/19	VBB	Review and revise Financial Disclosure Statement, electronically file Notices of Appearance, Motion for Extension of Time to Answer or Otherwise Respond to Complaint, proposed Order, and Financial Disclosure Statement, and prepare email correspondence to Dan Booth RE filings	0.5
08/30/19	CMT	Review, revise, and oversee filing of motion for extension of time to answer, proposed order related to same, notices of appearance, and Rule 7.1 disclosures; correspondence with client re: same	0.3
<b>Total</b>			<b>2.50</b>
			<b>\$685.00</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
BURN, VICTORIA B.	Paralegal	VBB
LAWSON, CATHERINE R. L.	Associate	CRL
THOMAS, CHRISTOPHER M.	Partner	CMT





Attorneys & Counselors at Law

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7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: September 19, 2019  
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ABA #: 053000219  
Account#: 2000009087682  
Swift#: WFBIUS6S

**Wiring Instructions:**

Parker Poe Adams and Bernstein LLP  
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Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: October 15, 2019  
Invoice Number: 739266  
Matter Number: 33696-00001  
CMT

---

#### INVOICE SUMMARY

*For Professional Services through September 30, 2019*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	924.00
Costs	\$	<u>1.65</u>
Due This Invoice	\$	925.65

**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
09/03/19	MMB	Review and verify deadlines for Order granting Defendant's Motion for Extension of Time to Answer to confirm compliance with discovery orders and court rules	0.1
09/12/19	CMT	Review and revise answer, affirmative defenses, and counterclaims; review and revise notice of special appearance; correspondence with Dan Booth re: same	1.2
09/13/19	CMT	Final review of answer and counterclaims; oversee filing of same; correspondence with Dan Booth concerning filing of same	0.1
09/13/19	MKT	Revise and file Answer and Counterclaims to Complaint	0.1
09/16/19	CRM	Review and verify date for answer to complaint and counterclaims to confirm compliance with discovery orders and court rules	0.2
09/17/19	CRL	Review scheduling order and summarize operative deadlines	0.3
09/17/19	CMT	Correspondence with lead counsel concerning initial order regarding planning and scheduling and related deadlines; correspondence with opposing counsel concerning rule 26F conference; correspondence with lead counsel concerning same	0.2
09/17/19	CJM	Review and verify deadlines in Initial Order Regarding Planning & Scheduling to confirm compliance with discovery orders and court rules	0.4
<b>Total</b>			<b>2.60</b>
			<b>\$924.00</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
BIBB, MARCIA M.	Paralegal	MMB
LAWSON, CATHERINE R. L.	Associate	CRL
MARSHALL, CARRIE J.	Paralegal	CJM
MAYHEW, CANDACE	Paralegal	CRM
THOMAS, CHRISTOPHER M.	Partner	CMT
THOMPSON, M. KATHY	Paralegal	MKT

**Cost Detail**

<u>Date</u>	<u>Description</u>	<u>Costs</u>
09/03/19	IMAGES - SCANS:COMPLAINT	1.50
09/03/19	IMAGES - SCANS:ORDER	0.15
<b>Total</b>		<b>\$1.65</b>



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ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: October 15, 2019  
Invoice Number: 739266  
Matter Number: 33696-00001  
CMT

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*For Professional Services through September 30, 2019*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	924.00
Costs	\$	<u>1.65</u>
Due This Invoice	\$	925.65

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Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: November 25, 2019  
Invoice Number: 743857  
Matter Number: 33696-00001  
CMT

---

#### INVOICE SUMMARY

*For Professional Services through **October 31, 2019***

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	485.00
Costs	\$	<u>2.00</u>
Due This Invoice	\$	487.00

**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
10/16/19	CMT	Review and propose revisions to Rule 26(f) report and initial disclosures; correspondence with D. Booth re: same	0.3
10/25/19	CRM	Review and verify dates for case management order and mediation notice to confirm compliance with discovery orders and court rules	0.5
10/30/19	CMT	Correspondence with D. Booth re: discovery and depositions	0.1
10/30/19	CRL	Review discovery requests and coordinate representation for depositions	0.6
<b>Total</b>			<b>1.50</b>
			<b>\$485.00</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
Lawson, Catherine R. L.	Associate	CRL
Mayhew, Candace	Paralegal	CRM
Thomas, Christopher M.	Partner	CMT

**Cost Detail**

<u>Date</u>	<u>Description</u>	<u>Costs</u>
10/24/19	IMAGES - SCANS:NOTICES	0.30
10/24/19	IMAGES - SCANS:NOTICES	0.30
10/29/19	Online Case Search-- VENDOR: PACER SERVICE CENTER- CHECK NO: 474029	1.40
<b>Total</b>		<b>\$2.00</b>



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ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: November 25, 2019  
Invoice Number: 743857  
Matter Number: 33696-00001  
CMT

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### INVOICE SUMMARY

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**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	485.00
Costs	\$	<u>2.00</u>
Due This Invoice	\$	487.00

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ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: December 11, 2019  
Invoice Number: 746145  
Matter Number: 33696-00001  
CMT

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#### INVOICE SUMMARY

*For Professional Services through November 30, 2019*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	<u>451.00</u>
Due This Invoice	\$	451.00



**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
11/08/19	CRL	Coordinate deposition schedules	0.2
11/11/19	CRL	Coordinate deposition schedules	0.2
11/11/19	CRL	Coordinate deposition logistics for Dec 12	0.2
11/11/19	CMT	Correspondence with D. Booth re: potential mediator; review of correspondence between D. Booth and opposing counsel	0.1
11/12/19	TPR	Receive Order appointing mediator from Court	0.1
11/12/19	CMT	Correspondence with D. Booth re: filing of Notice of Selection of Mediator	0.1
11/12/19	TPR	Final preparation and electronic filing of Joint Statement Identifying Mediator in U.S. District Court of North Carolina	0.7
<b>Total</b>			<b>1.60</b>
			<b>\$451.00</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
Lawson, Catherine R. L.	Associate	CRL
Routh, Tina P.	Paralegal	TPR
Thomas, Christopher M.	Partner	CMT



Attorneys & Counselors at Law

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Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: December 11, 2019  
Invoice Number: 746145  
Matter Number: 33696-00001  
CMT

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### INVOICE SUMMARY

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**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	<u>451.00</u>
Due This Invoice	\$	451.00

**Please Remit to:**

**ACH Payments**

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Wells Fargo Bank, N.A.  
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Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: January 21, 2020  
Invoice Number: 750136  
Matter Number: 33696-00001  
CMT

---

#### INVOICE SUMMARY

*For Professional Services through **December 31, 2019***

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	6,944.00
Costs	\$	<u>54.15</u>
Due This Invoice	\$	6,998.15

**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
12/02/19	CMT	Review correspondence between lead counsel and defense counsel re: discovery deficiencies	0.1
12/03/19	CRL	Review plaintiff's discovery responses and coordinate potential discovery call with court	0.8
12/03/19	CMT	Conference with C. Lawson concerning discovery dispute	0.1
12/04/19	CRL	Communicate with case manager about scheduling a discovery call to resolve Plaintiff's discovery deficiencies	0.3
12/04/19	CRL	Outline deposition questions for Bradley	1.1
12/05/19	CRL	Prepare supporting materials and email to court with request for discovery hearing	0.6
12/05/19	CRL	Discovery call with opposing counsel	1.7
12/05/19	CRL	Coordinate planning for telephonic hearing about discovery disputes	0.3
12/05/19	CRL	Coordinate settlement preparations and facilitate questions and answers with opposing counsel	0.5
12/06/19	CRL	Analyze plaintiff's supplemental discovery responses and discuss strategic response with D Booth	0.6
12/09/19	CRL	Analyze Plaintiff's discovery responses and document production and identify exhibits and questions for his deposition	1.9
12/10/19	CRL	Analyze Analytical Grammar's document production and identify exhibits for plaintiff's deposition	1.9
12/11/19	CRL	Revise deposition outline and organize exhibits	2.3
12/11/19	CRL	Discuss deposition strategy with D Booth	0.5
12/12/19	SEC	Research re attorney-client privilege of fee arrangements for use in deposition of M. Bradley	0.2
12/12/19	CMT	Conference with C. Lawson re: deposition questions; review of order related to DMCA claim; draft proposed questions for Bradley; conference with C. Lawson re: same; correspondence and follow-up teleconference with D. Booth re: same; correspondence and follow-up teleconference with D. Booth re: misrepresentation in Liebowitz declaration	0.6
12/12/19	CRL	Prepare for and take plaintiff's deposition	6.2
<b>Total</b>			<b>19.70</b>
			<b>\$6,944.00</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
Carpenter, Sloan L. E.	Associate	SEC
Lawson, Catherine R. L.	Associate	CRL
Thomas, Christopher M.	Partner	CMT

ANALYTICAL GRAMMAR, INC.

Invoice Date:

January 21, 2020

Invoice Number:

750136

Matter Number:

33696-00001

---

**Cost Detail**

<b><u>Date</u></b>	<b><u>Description</u></b>	<b><u>Costs</u></b>
12/05/19	TELEPHONE - CONFERENCE CALLS:Conference Call	31.20
12/05/19	IMAGES - PRINTER BLACK/WHITE:Images - Printer Black/White	19.95
12/12/19	IMAGES - PRINTER BLACK/WHITE:Reproduction Charges	3.00
<b>Total</b>		<b>\$54.15</b>



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Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: January 21, 2020  
Invoice Number: 750136  
Matter Number: 33696-00001  
CMT

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ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: February 12, 2020  
Invoice Number: 752222  
Matter Number: 33696-00001  
CMT

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#### INVOICE SUMMARY

*For Professional Services through **January 31, 2020***

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	407.50
Costs	\$	<u>611.70</u>
Due This Invoice	\$	1,019.20

**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
01/06/20	CRL	Review and confirm docketing deadlines	0.2
01/27/20	CMT	Review court notice re: discovery conference	0.1
01/28/20	CMT	Correspondence with D. Booth concerning mediation and video attendance	0.1
01/28/20	CRL	Analyze local rules and standing orders to assess attorney participation in upcoming mediation	0.6
01/28/20	CMT	Correspondence with D. Booth concerning mediation and video attendance	0.1
<b>Total</b>			<b>1.10</b>
			<b>\$407.50</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
Lawson, Catherine R. L.	Associate	CRL
Thomas, Christopher M.	Partner	CMT

**Cost Detail**

<u>Date</u>	<u>Description</u>	<u>Costs</u>
01/28/20	IMAGES - SCANS:ORDER	0.30
01/31/20	Transcript-- VENDOR: DEPOSITIONS, INC.- CHECK NO: 476453	611.40
<b>Total</b>		<b>\$611.70</b>





Attorneys & Counselors at Law

THREE WELLS FARGO CENTER  
SUITE 3000  
401 S. TRYON STREET  
CHARLOTTE, NORTH CAROLINA 28202-1942  
704-372-9000  
Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: February 12, 2020  
Invoice Number: 752222  
Matter Number: 33696-00001  
CMT

---

### INVOICE SUMMARY

*For Professional Services through January 31, 2020*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	407.50
Costs	\$	<u>611.70</u>
Due This Invoice	\$	1,019.20

**Please Remit to:**

**ACH Payments**

Parker Poe Adams and Bernstein LLP  
Wells Fargo Bank, N.A.  
ABA #: 053000219  
Account#: 2000009087682  
Swift#: WFBIUS6S

**Wiring Instructions:**

Parker Poe Adams and Bernstein LLP  
Wells Fargo Bank, N.A.  
ABA #: 121000248  
Account#: 2000009087682  
Swift#: WFBIUS6S

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Attorneys & Counselors at Law

THREE WELLS FARGO CENTER  
SUITE 3000  
401 S. TRYON STREET  
CHARLOTTE, NORTH CAROLINA 28202-1942  
704-372-9000  
Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: March 10, 2020  
Invoice Number: 755267  
Matter Number: 33696-00001  
CMT

---

### INVOICE SUMMARY

*For Professional Services through February 29, 2020*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	1,330.00
Costs	\$	<u>1.20</u>
Due This Invoice	\$	1,331.20

**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
02/13/20	CRL	Prepare for and coordinate technological setup for mediation	1.1
02/17/20	CRL	Prepare for and attend mediation	2.5
02/25/20	CRL	Discuss new settlement offer from plaintiff and communicate response to mediator	0.2
<b>Total</b>			<b>3.80</b>
			<b>\$1,330.00</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
Lawson, Catherine R. L.	Associate	CRL

**Cost Detail**

<u>Date</u>	<u>Description</u>	<u>Costs</u>
02/10/20	IMAGES - SCANS:X	1.20
<b>Total</b>		<b>\$1.20</b>



Attorneys & Counselors at Law

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SUITE 3000  
401 S. TRYON STREET  
CHARLOTTE, NORTH CAROLINA 28202-1942  
704-372-9000  
Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: March 10, 2020  
Invoice Number: 755267  
Matter Number: 33696-00001  
CMT

---

### INVOICE SUMMARY

*For Professional Services through February 29, 2020*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	1,330.00
Costs	\$	<u>1.20</u>
Due This Invoice	\$	1,331.20

**Please Remit to:**

**ACH Payments**

Parker Poe Adams and Bernstein LLP  
Wells Fargo Bank, N.A.  
ABA #: 053000219  
Account#: 2000009087682  
Swift#: WFBIUS6S

**Wiring Instructions:**

Parker Poe Adams and Bernstein LLP  
Wells Fargo Bank, N.A.  
ABA #: 121000248  
Account#: 2000009087682  
Swift#: WFBIUS6S

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Attorneys & Counselors at Law

THREE WELLS FARGO CENTER  
SUITE 3000  
401 S. TRYON STREET  
CHARLOTTE, NORTH CAROLINA 28202-1942  
704-372-9000  
Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: May 26, 2020  
Invoice Number: 763289  
Matter Number: 33696-00001  
CMT

---

#### INVOICE SUMMARY

*For Professional Services through April 30, 2020*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	<u>2,240.00</u>
Due This Invoice	\$	2,240.00

ANALYTICAL GRAMMAR, INC.

Invoice Date: May 26, 2020  
Invoice Number: 763289  
Matter Number: 33696-00001

---

**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
04/21/20	CRL	Analyze brief in support of summary judgment and summarize suggested revisions	3.5
04/22/20	CRL	Analyze court's history with case subject matter and make suggestions for expert opinion	2.9
		<b>Total</b>	<b>6.40      \$2,240.00</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
Lawson, Catherine R. L.	Associate	CRL



Attorneys & Counselors at Law

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704-372-9000  
Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: May 26, 2020  
Invoice Number: 763289  
Matter Number: 33696-00001  
CMT

---

### INVOICE SUMMARY

*For Professional Services through April 30, 2020*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$ 2,240.00
Due This Invoice	\$ 2,240.00

**Please Remit to:**

**ACH Payments**

Parker Poe Adams and Bernstein LLP  
Wells Fargo Bank, N.A.  
ABA #: 053000219  
Account#: 2000009087682  
Swift#: WFBIUS6S

**Wiring Instructions:**

Parker Poe Adams and Bernstein LLP  
Wells Fargo Bank, N.A.  
ABA #: 121000248  
Account#: 2000009087682  
Swift#: WFBIUS6S

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Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: June 30, 2020  
Invoice Number: 766959  
Matter Number: 33696-00001  
CMT

---

### INVOICE SUMMARY

*For Professional Services through **May 31, 2020***

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	<u>350.00</u>
Due This Invoice	\$	350.00



ANALYTICAL GRAMMAR, INC.

Invoice Date: June 30, 2020  
Invoice Number: 766959  
Matter Number: 33696-00001

---

**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
05/16/20	CRL	Review summary judgment brief and supporting submissions	0.8
05/19/20	CRL	Review local rules requirements for summary judgment filings	0.2
		<b>Total</b>	<b>1.00</b>
			<b>\$350.00</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
Lawson, Catherine R. L.	Associate	CRL



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704-372-9000  
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Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: June 30, 2020  
Invoice Number: 766959  
Matter Number: 33696-00001  
CMT

---

### INVOICE SUMMARY

*For Professional Services through **May 31, 2020***

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	350.00
Due This Invoice	\$	350.00

### Please Remit To:

**Payment via US Mail:**

Parker Poe Lockbox  
PO Box 603857  
Charlotte, NC 28260-3857

**Payment via Overnight Mail:**

Lockbox Services (603857)  
1525 West W.T. Harris Blvd. - 2C2  
Charlotte, NC 28262

**ACH Payments**

Parker Poe  
Wells Fargo Bank, N.A.  
ABA #: 053000219  
Account#: 2000009087682  
Swift#: WFBIUS6S

**Wiring Instructions:**

Parker Poe  
Wells Fargo Bank, N.A.  
ABA #: 121000248  
Account#: 2000009087682  
Swift#: WFBIUS6S

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Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: August 31, 2020  
Invoice Number: 773736  
Matter Number: 33696-00001  
CMT

---

### INVOICE SUMMARY

*For Professional Services through **July 31, 2020***

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	6,074.50
Costs	\$	<u>281.40</u>
Due This Invoice	\$	6,355.90

**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
07/09/20	CMT	Preparation related to motion for summary judgment and motion to exclude damages (correspondence with D. Booth re: same and provide case law; coordination for filing)	0.1
07/10/20	SEC	Review documents as prepared by D. Booth for motion for summary judgment	0.2
07/13/20	SEC	Research re: word counts and page limits for motions in EDNC; draft email to D. Booth re: same	0.2
07/13/20	CMT	Review and propose revisions to briefs, declarations and motions for summary judgment and exclusion of damages; teleconference and correspondence with D. Booth re: same	1.2
07/14/20	CMT	Preparation related to papers for motion for summary judgment and motion to exclude evidence; teleconference with D. Booth re: same	0.2
07/14/20	SEC	Draft Appendix to Statement of Facts; review and revise Statement of Undisputed Material Facts; prepare cover sheets for appendix exhibits	1.8
07/15/20	SEC	Review finalized motion to exclude and supporting documents; review revised memo and motion for SJ; correspondence with D. Booth re: same	0.6
07/16/20	TPR	Draft Index to Exhibits of Declaration of Dan Booth	0.3
07/16/20	TPR	Preparation of documents for electronic filing of Defendant's Motion to Exclude, Memorandum in support of Motion to Exclude, Declaration of Dan Booth, Exhibits to Dan Booth Declaration	1.2
07/16/20	SEC	Finalize Motion to Exclude and supporting documents for filing; Finalize Motion for Summary Judgment and supporting documents for filing	2.5
07/17/20	TPR	Preparation of 65 exhibits for electronic filing of Defendant's Statement of Undisputed Facts	1.6
07/17/20	SEC	Oversee filing of Motions; correspondence with T. Routh re: filing; draft Notice of Filing for additional exhibits; create sharefile of filed documents; correspondence with D. Booth re: same; docket response deadlines	1.8
07/17/20	TPR	Research NCED local rules regarding file sizes and procedure for filing separate exhibit entries due to maximum capacity of filed documents	0.4
07/17/20	TPR	Federal filing of Defendant's Appendix to Statement of Facts with entry of electronic exhibits 1-18 identified by name and followed by filing two Notices of Filing to continue filing the remaining 47 exhibits	2.3
07/17/20	CMT	Review and oversee filing of motion for summary judgement and elated papers and motion to exclude and elated papers;	0.6
07/17/20	TPR	Federal filing of Defendant's Motion for Summary Judgment, Proposed Order, Statement of Undisputed Facts, Appendix	1.2
07/17/20	TPR	Finalize exhibits 1-7 to Declaration of Dan Booth	0.3

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
07/17/20	TPR	File Motion to Exclude, Proposed Order, Memorandum in Support of Motion to Exclude, Declaration of Dan Booth, index, exhibits 1-7	1.2
07/20/20	CRM	Review and verify dates for plaintiff's motion for partial summary judgment and court order setting deadline for parties to deliver to the court a courtesy copy of the documents filed by that party re: motions for summary judgment and in limine to confirm compliance with discovery orders and court rules	0.2
07/20/20	TPR	Federal filing of Amended Certificate of Service	0.3
07/20/20	TPR	Analyze notice from court and assemble court filed pleadings downloaded from NC Eastern District in preparation for mailing to Judge	0.5
07/22/20	SEC	Review EDNC courtesy copy rules and Judge Flanagan's preferences re same; correspondence with T. Routh re: same	0.3
07/22/20	TPR	Telephone call to Court regarding hole punched documents	0.1
07/22/20	TPR	Prepare all filings made by Defendant 7/17/20 including all exhibits per indexed format requested by Court Order for Judge review and prepare filings by Plaintiff 7/17/20 for attorney review	2.9
07/23/20	TPR	Prepare overnight delivery to Court with filed Motions, Memorandum, Exhibits, Proposed Orders	0.6
07/23/20	TPR	Letter to Court regarding exhibits and filings made by Defendant in accordance to Text Order entered July 17	0.4
07/28/20	CMT	Preparation related to response to D. Booth re: objection to summary judgement evidence and preparation of document to assist in preparation of same	0.2
07/28/20	SEC	Review correspondence form D. Booth re responding to MSJ; review Fed. R. Civ. P. and Local Rules re: same; draft email to D. Booth re: same	0.8
07/29/20	CMT	Review and revise correspondence to D. Booth re: objection to summary judgment evidence	0.1
<b>Total</b>			<b>24.10</b>
			<b>\$6,074.50</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
Carpenter, Sloan L. E.	Associate	SEC
Mayhew, Candace	Paralegal	CRM
Routh, Tina P.	Paralegal	TPR
Thomas, Christopher M.	Partner	CMT

ANALYTICAL GRAMMAR, INC.

Invoice Date:

August 31, 2020

Invoice Number:

773736

Matter Number:

33696-00001

---

**Cost Detail**

<u>Date</u>	<u>Description</u>	<u>Costs</u>
07/17/20	IMAGES - SCANS:SCAN	14.85
07/22/20	IMAGES - PRINTER/ COLOR:Images - Printer/ Color	24.00
07/22/20	IMAGES:COPY	0.45
07/22/20	IMAGES - PRINTER BLACK/WHITE:Images - Printer Black/White	120.30
07/23/20	FEDERAL EXPRESS/AIRBORNE:FEDERAL EXPRESS/AIRBORNE Sandra Collins 413 Middle St NEW BERN NC	16.95
07/23/20	IMAGES - SCANS:SCAN	0.30
07/23/20	IMAGES:COPY	104.55
<b>Total</b>		<b>\$281.40</b>



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Charlotte, North Carolina 28202-1942  
704-372-9000  
Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: August 31, 2020  
Invoice Number: 773736  
Matter Number: 33696-00001  
CMT

---

### INVOICE SUMMARY

*For Professional Services through July 31, 2020*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	6,074.50
Costs	\$	<u>281.40</u>
Due This Invoice	\$	6,355.90

### Please Remit To:

**Payment via US Mail:**

Parker Poe Lockbox  
PO Box 603857  
Charlotte, NC 28260-3857

**Payment via Overnight Mail:**

Lockbox Services (603857)  
1525 West W.T. Harris Blvd. - 2C2  
Charlotte, NC 28262

**ACH Payments**

Parker Poe  
Wells Fargo Bank, N.A.  
ABA #: 053000219  
Account#: 2000009087682  
Swift#: WFBIUS6S

**Wiring Instructions:**

Parker Poe  
Wells Fargo Bank, N.A.  
ABA #: 121000248  
Account#: 2000009087682  
Swift#: WFBIUS6S

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Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: September 28, 2020  
Invoice Number: 776702  
Matter Number: 33696-00001  
CMT

---

#### INVOICE SUMMARY

*For Professional Services through **August 31, 2020***

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	4,828.00
Costs	\$	<u>114.12</u>
Due This Invoice	\$	4,942.12



**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
08/04/20	SEC	Review draft Memorandum in Opposition to Bradley's MSJ; review correspondence from D. Booth re: same	0.7
08/04/20	CMT	Review and revise brief in opposition to plaintiff's partial motion for summary judgment; correspondence with D. Booth re: same	2.0
08/05/20	SEC	Finalize response to Motion for Summary Judgment;	1.3
08/05/20	CMT	Review of redline for changes	0.2
08/06/20	SEC	Review and revise updated Memo, Statement of Facts, and Booth Declaration	0.3
08/07/20	TPR	Finalize and file in federal court Eastern District of NC, Defendant's Response to Plaintiff's Motion for Summary Judgment, Responses to Plaintiff's Statement of Facts with Separate Statement of Additional Material Facts, Appendix to that Statement of Additional Facts, Exhibits to Appendix	1.5
08/07/20	SEC	Finalize Response to Motion for Summary Judgment; Finalize Statement of Additional Facts; Draft Appendix to Statement of Facts; Compile Exhibit re: same; Oversee filing of same; Correspondence with D. Booth re: same	1.6
08/10/20	TPR	Refile Defendant's Responses to Plaintiff's Statement of Facts with Separate Statement of Additional Material Facts, Appendix to Statement of Additional Facts with Exhibits 1-5	0.5
08/10/20	SEC	Review Bradley's motions; Correspondence with D. Booth re: same; Docket motion reply deadline	0.2
08/10/20	TPR	Analyze Court's notices regarding deficiencies of filings by plaintiff and defendant	0.2
08/10/20	CMT	Correspondence with D. Booth re: filing of reply; oversee filing of papers using corrected events; preparation related to submission of courtesy copies	0.2
08/11/20	TPR	Prepare documents filed August 7 - August 10 by Defendant and Court notices in accordance to Court request for multiple docket entries	1.2
08/11/20	SEC	Review local rules for courtesy copies; review docket re: deficiencies in event	0.3
08/12/20	TPR	Letter to Judge's Office with FedEx package of Defendant's filed documents and docket entries	0.6
08/18/20	SEC	Correspondence with D. Booth re: deadline to reply to Bradley's MSJ responses; prepare Notice of Appearance	0.4
08/20/20	CMT	Review and revise Reply brief; correspondence with D. Booth re: same	1.1
08/21/20	TPR	Finalize and file in Eastern District of NC Defendant's Reply in to Plaintiff's Responses and Memorandums in Opposition of Defendant's Motion for Summary Judgment and Motion in Limine	0.8
08/21/20	SEC	Hyperlink and finalize reply to Bradley's response to MSJ; oversee filing of same	1.5

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
08/26/20	CMT	Review and revise motion for leave to file surreply and related papers	0.5
08/27/20	SEC	Finalize proposed motion for leave and surreply; Hyperlink same; Oversee filing of same	0.8
08/27/20	TPR	File in U.S. District Court, Eastern District of North Carolina, Defendant's Motion for Leave to File a Surreply in Response to Plaintiff's Reply, Proposed Order, Memorandum in Support, and Proposed Surreply	0.5
<b>Total</b>			<b>16.40</b>
			<b>\$4,828.00</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
Carpenter, Sloan L. E.	Associate	SEC
Routh, Tina P.	Paralegal	TPR
Thomas, Christopher M.	Partner	CMT

**Cost Detail**

<u>Date</u>	<u>Description</u>	<u>Costs</u>
08/07/20	IMAGES - SCANS:SCAN	0.15
08/11/20	IMAGES - COLOR:COPY	83.00
08/11/20	IMAGES:COPY	0.15
08/11/20	IMAGES:COPY	1.35
08/11/20	IMAGES - PRINTER BLACK/WHITE:Images - Printer Black/White	15.00
08/12/20	IMAGES - SCANS:SCAN	0.30
08/12/20	FEDERAL EXPRESS/AIRBORNE:FEDERAL EXPRESS/AIRBORNE Sandra Collins 413 Middle St NEW BERN NC	14.17
<b>Total</b>		<b>\$114.12</b>



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Charlotte, North Carolina 28202-1942  
704-372-9000  
Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: September 28, 2020  
Invoice Number: 776702  
Matter Number: 33696-00001  
CMT

---

### INVOICE SUMMARY

*For Professional Services through August 31, 2020*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	4,828.00
Costs	\$	<u>114.12</u>
Due This Invoice	\$	4,942.12

### Please Remit To:

**Payment via US Mail:**

Parker Poe Lockbox  
PO Box 603857  
Charlotte, NC 28260-3857

**Payment via Overnight Mail:**

Lockbox Services (603857)  
1525 West W.T. Harris Blvd. - 2C2  
Charlotte, NC 28262

**ACH Payments**

Parker Poe  
Wells Fargo Bank, N.A.  
ABA #: 053000219  
Account#: 2000009087682  
Swift#: WFBIUS6S

**Wiring Instructions:**

Parker Poe  
Wells Fargo Bank, N.A.  
ABA #: 121000248  
Account#: 2000009087682  
Swift#: WFBIUS6S

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ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: October 26, 2020  
Invoice Number: 780093  
Matter Number: 33696-00001  
CMT

---

#### INVOICE SUMMARY

*For Professional Services through **September 30, 2020***

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	<u>139.00</u>
Due This Invoice	\$	139.00

**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
09/28/20	CRM	Review and verify date for order setting deadline for Analytical Grammar to file surreply to plaintiff's reply regarding its motion for partial summary judgment to confirm compliance with discovery orders and court rules	0.1
09/29/20	SEC	Update surreply; correspondence with D. Booth re: same	0.4
<b>Total</b>			<b>0.50</b>
			<b>\$139.00</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
Carpenter, Sloan L. E.	Associate	SEC
Mayhew, Candace	Paralegal	CRM



620 S. Tryon Street, Suite 800  
Charlotte, North Carolina 28202-1942  
704-372-9000  
Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: October 26, 2020  
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CMT

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### INVOICE SUMMARY

*For Professional Services through September 30, 2020*

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	139.00
Due This Invoice	\$	139.00

### Please Remit To:

**Payment via US Mail:**

Parker Poe Lockbox  
PO Box 603857  
Charlotte, NC 28260-3857

**Payment via Overnight Mail:**

Lockbox Services (603857)  
1525 West W.T. Harris Blvd. - 2C2  
Charlotte, NC 28262

**ACH Payments**

Parker Poe  
Wells Fargo Bank, N.A.  
ABA #: 053000219  
Account#: 2000009087682  
Swift#: WFBIUS6S

**Wiring Instructions:**

Parker Poe  
Wells Fargo Bank, N.A.  
ABA #: 121000248  
Account#: 2000009087682  
Swift#: WFBIUS6S

**PAYMENT DUE UPON RECEIPT**  
**PLEASE RETURN THIS PAGE WITH YOUR PAYMENT**



620 S. Tryon Street, Suite 800  
Charlotte, North Carolina 28202-1942  
704-372-9000  
Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: January 21, 2021  
Invoice Number: 789308  
Matter Number: 33696-00001  
CMT

---

#### INVOICE SUMMARY

*For Professional Services through **December 31, 2020***

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	<u>127.50</u>
Due This Invoice	\$	127.50

ANALYTICAL GRAMMAR, INC.

Invoice Date: January 21, 2021  
Invoice Number: 789308  
Matter Number: 33696-00001

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**Fee Detail**

<u>Date</u>	<u>Initials</u>	<u>Description</u>	<u>Hours</u>
12/15/20	CMT	Review and propose revisions to Notice of Disqualification of Plaintiff's counsel; correspondence with D. Booth re: same	0.2
12/17/20	CMT	Review of revised notice; correspondence with lead counsel re: same	0.1
		<b>Total</b>	<b>0.30</b>
			<b>\$127.50</b>

**Timekeeper Summary**

<u>Name</u>	<u>Timekeeper Title</u>	<u>Initials</u>
Thomas, Christopher M.	Partner	CMT





620 S. Tryon Street, Suite 800  
Charlotte, North Carolina 28202-1942  
704-372-9000  
Email: [acctghelp@parkerpoe.com](mailto:acctghelp@parkerpoe.com)  
Federal Tax Id # 56-0928467

ANALYTICAL GRAMMAR, INC.  
ATTN: ERIN M. KARL  
7615 VISTA DEL REY LANE  
RALEIGH, NC 27613

Invoice Date: January 21, 2021  
Invoice Number: 789308  
Matter Number: 33696-00001  
CMT

---

### INVOICE SUMMARY

*For Professional Services through **December 31, 2020***

**Client:** ANALYTICAL GRAMMAR, INC.  
**Matter:** MATTHEW BRADLEY

Fees	\$	127.50
Due This Invoice	\$	127.50

### Please Remit To:

**Payment via US Mail:**

Parker Poe Lockbox  
PO Box 603857  
Charlotte, NC 28260-3857

**Payment via Overnight Mail:**

Lockbox Services (603857)  
1525 West W.T. Harris Blvd. - 2C2  
Charlotte, NC 28262

**ACH Payments**

Parker Poe  
Wells Fargo Bank, N.A.  
ABA #: 053000219  
Account#: 2000009087682  
Swift#: WFBIUS6S

**Wiring Instructions:**

Parker Poe  
Wells Fargo Bank, N.A.  
ABA #: 121000248  
Account#: 2000009087682  
Swift#: WFBIUS6S

**PAYMENT DUE UPON RECEIPT**  
**PLEASE RETURN THIS PAGE WITH YOUR PAYMENT**

# Exhibit 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PIZZA MY HEART, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:20-CV-77
	)	
LPMH, LLC, NATHAN SCATES	)	
JONES, and REILLEY JONES,	)	
	)	
Defendants.	)	

**CIVIL CONTEMPT ORDER**

The plaintiff, Pizza My Heart, Inc., has filed a motion asking the Court to hold the defendants, LPMH, LLC, Nathan Scates Jones, and Reilley Jones, in civil contempt of the Court's permanent injunction issued on June 26, 2020. Based on evidence indicating the defendants had violated and were violating the permanent injunction, the Court entered a Show Cause order on March 10, 2021, directing each defendant to appear and show cause on Thursday, March 25, 2021, why they should not be held in civil contempt for their continued use of the "LIL' PIZZA MY HEART" trade name, trademark, and related heart logo, despite the Court's order permanently enjoining their use of this trade name, trademark, and logo, and any trade name, trademark, or logo that is confusingly similar to "PIZZA MY HEART." Defendants LPMH, LLC, Nathan Scates Jones, and Reilley Jones did not appear for the show cause hearing.

Because Pizza My Heart has shown by clear and convincing evidence that the defendants are in contempt, and the defendants had adequate notice and an opportunity to be heard, the Court will grant the motion.

## CIVIL CONTEMPT

“[C]ourts have inherent power to enforce compliance with their lawful orders through civil contempt.” *Shillitani v. United States*, 384 U.S. 364, 370 (1966). A court may impose civil contempt sanctions to coerce obedience to a court order or to compensate the complainant for injuries resulting from the contemnor's noncompliance. *Cromer v. Kraft Foods N. Am.*, 390 F.3d 812, 821 (4th Cir. 2004).

To prove the defendants are in contempt, Pizza My Heart must establish the following by clear and convincing evidence:

(1) the existence of a valid decree of which the alleged contemnor had actual or constructive knowledge; (2) that the decree was in the movant's ‘favor’; (3) that the alleged contemnor by its conduct violated the terms of the decree, and had knowledge (at least constructive knowledge) of such violations; and (4) that the movant suffered harm as a result.”

*United States v. Ali*, 874 F.3d 825, 831 (4th Cir. 2017) (cleaned up). Once these elements are established, the burden shifts to the alleged contemnor to justify his non-compliance. *Id.* at 832.

## FINDINGS OF FACT

The Court finds the following facts by clear and convincing evidence.

In January 2020, Pizza My Heart filed this lawsuit against the defendants, alleging unfair competition, false endorsement, and trademark infringement. Doc. 1. The allegations were based on the defendants’ use of the “LIL’ PIZZA MY HEART” trade name, trademark, and related heart logo, which is confusingly similar to the plaintiff’s “PIZZA MY HEART” trade name, trademark, and heart logo. *See* Doc. 1 at ¶¶ 12, 20–

24.<sup>1</sup> After the defendants failed to answer the complaint, and upon motion from Pizza My Heart, the Clerk of Court entered default against the defendants. Doc. 11. Pizza My Heart then moved for entry of default judgment with prejudice against the defendants. Doc. 12. After receiving a recommendation from the United States Magistrate Judge, Doc. 17, this Court entered an order, permanent injunction, and judgment against the defendants on June 26, 2020. Doc. 19.

Specifically, pursuant to its inherent equitable powers and 15 U.S.C. § 1116, the Court permanently enjoined defendants LPMH, LLC, Nathan Scates Jones, Reilley Jones, and all persons and entities acting in concert with them from:

[U]sing in any manner in connection with the defendants' pizza restaurants or the services or goods offered or sold by them, or in connection with any advertising or promotions for such businesses, services or goods, the LIL' PIZZA MY HEART trade name and trademark and related heart logo, or any similar trade name or trademark that is confusingly similar to PIZZA MY HEART and the plaintiffs' heart logo.

Doc. 19.

Counsel for Pizza My Heart mailed each defendant a copy of the order, permanent injunction, and judgment entered against them via Federal Express on August 11, 2020. Doc. 23 at ¶ 11; *see* Doc. 23-3. Counsel mailed another copy of the permanent injunction and of the Magistrate Judge's recommendation to defendant Nathan Scates Jones at a newly identified address on September 24, 2020. Doc. 23 at ¶ 12; *see also* Doc. 23-4. There is nothing to indicate that the

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<sup>1</sup> At all relevant times, Pizza My Heart has owned United States trademark registrations for its trade name, trademark, and related heart logo. Doc. 1-4.

letters were returned as non-deliverable. The U.S. Marshals Service also served defendant Reilley Jones with the order, permanent injunction, and judgment on October 2, 2020. Doc. 20.

Despite the Court's order, the defendants have continued to use the "LIL' PIZZA MY HEART" trade name, trademark, and related heart logo. *See* Doc. 23-5. Before filing its contempt motion, counsel for Pizza My Heart called the defendants at a phone number registered to LPMH, LLC, at least five times between August 25, 2020, and January 21, 2021; each time, the person answering the phone identified the restaurant as "Lil' Pizza My Heart." Doc. 23 at ¶ 14. On several occasions, counsel spoke with a Mr. Parsons, the acting manager, Doc. 20; Doc. 23 at ¶ 14, who agreed to relay counsel's request that the defendants comply with the order to defendant Reilley Jones. Doc. 23 at ¶ 14. There is nothing indicating that Mr. Parsons did not relay the messages to defendant Reilley Jones. The defendants never returned counsel's calls and continued to consistently and blatantly use the "LIL' PIZZA MY HEART" trade name, trademark, and related heart logo. *See* Doc. 23-5.

Pizza My Heart filed a motion for civil contempt on January 21, 2021. Doc. 21. Counsel for Pizza My Heart mailed the motion and its brief to the defendants via U.S. mail on or about January 21, 2021. *Id.* at 3; Doc. 22 at 16. No defendant filed a written response to the motion. The Court thereafter entered a written Show Cause order on March 10, 2021, and set the matter for hearing on Thursday, March 25, 2021. Doc. 24. The Clerk mailed the Show Cause order to the defendants. *See* Docket Entry 3/10/2021.

This order gave the defendants another opportunity to explain why they had not violated the Court's June 26 order and why they should not be held in civil contempt. Doc. 24. No defendant appeared at the hearing.

### **CONCLUSIONS OF LAW**

Pizza My Heart has established by clear and convincing evidence that this Court issued a valid decree of which each defendant has had actual knowledge for months, that the decree was in Pizza My Heart's favor, that the defendants violated the terms of the decree and had actual or constructive knowledge of such violations, and that Pizza My Heart has suffered harm as a result of the defendants' violations. The Court finds and concludes that the violations are willful and the defendants are in civil contempt.

First, the June 26, 2020, order, permanent injunction, and judgment was an "unquestionably valid decree," which "explicitly and coercively" directed the defendants to refrain from certain actions." *Schwartz v. Rent-A-Wreck of Am.*, 261 F. Supp. 3d 607, 613 n.4 (D. Md. 2017) (cleaned up). The defendants had knowledge of the June 26, 2020, permanent injunction, as a copy was mailed to each defendant, and defendant Reilley Jones was mailed another copy and was personally served by the U.S. Marshals Service. *See Commonwealth Constr. Co. v. Redding*, No. 14-CV-3568-GLR, 2016 WL 8671536, at \*3 (D. Md. May 6, 2016); *see also* Fed. R. Civ. P. 5(b)(2)(C) (stating that service by mail "is complete upon mailing").

Second, the permanent injunction was in Pizza My Heart's favor, as it granted Pizza My Heart its requested relief. *See JTH Tax, Inc. v. Lee*, 540 F. Supp. 2d 642, 645 (E.D. Va. 2007); *Consol. HVAC, Inc. v. All State Plumbing, Inc.*, No. CIV. CCB-04-

2741, 2006 WL 2563367, at \*3 (D. Md. Aug. 30, 2006) (finding that orders holding the defendant in default and ruling against the defendant on all of the movant's claims were in the movant's favor).

Third, the defendants have violated and are violating the terms of the June 26 permanent injunction. The order, permanent injunction, and judgment very clearly prohibit the defendants from using the "LIL' PIZZA MY HEART" trade name, trademark, and related heart logo. Doc. 19. And Pizza My Heart has introduced several screenshots of posts depicting the prohibited trade name, trademark, and logo that defendant LPMH, LLC, published on its Facebook page after June 26, 2020. *See* Doc. 23-5 at 2–3. Moreover, the defendants "had knowledge (at least constructive knowledge) of such violations." *Ali*, 874 F.3d 825 at 831. To decide whether one had actual or constructive knowledge of their violations, "the Court looks not only to the facts surrounding the immediately involved violations but considers as well the history and context of the litigation between the parties." *Schwartz*, 261 F. Supp. 3d at 614. Here, Pizza My Heart has repeatedly asked the defendants to stop using the "LIL' PIZZA MY HEART" trade name, trademark, and related logo since September 2019. *See* Doc. 1-5 (cease and desist letter). Indeed, counsel for Pizza My Heart called the defendants at least five times to request they voluntarily comply with the permanent injunction. *See* Doc. 23 at ¶ 14. The defendants have acted willfully.

Finally, Pizza My Heart has suffered and continues to suffer harm as a result of the defendants' violations in that Pizza My Heart's ability to control its reputation has been undermined and the goodwill associated with its business, garnered over the past 39



years, diminished. *See* Doc. 17 at 3; *Schwartz*, 261 F. Supp. 3d at 615 (“Although lost business and damage to business reputation may be difficult to quantify, it defies experience to believe that they did not result.”); *see also Ledo Pizza Sys., Inc. v. Singh*, No. CIV. WDQ-13-2365, 2014 WL 1347113, at \*4 (D. Md. Apr. 3, 2014) (holding that the movant was harmed by the defendant’s continued infringement on the movant’s trademark rights in violation of the temporary restraining order); *JTH Tax, Inc.*, 540 F. Supp. 2d at 645.

### **APPROPRIATE CONSEQUENCES FOR CIVIL CONTEMPT**

“Civil contempt orders—and the appropriate consequences for violating them—fall to the district court's discretion.” *Consumer Fin. Prot. Bureau v. Klopp*, 957 F.3d 454, 461 (4th Cir. 2020). The remedy for civil contempt “must be tailored to either coerce the contemnor into compliance with the court's order [or] compensate the complainant for losses caused by past non-compliance.” *Lambert v. Gift Dev. Grp., LLC*, No. 1:18-CV-00215, 2019 WL 177078, at \*2 (M.D.N.C. Jan. 11, 2019). Attorneys’ fees and costs may be awarded as appropriate compensation, *see Cromer*, 390 F.3d at 822, and the Court may impose a daily fine to coerce a party into complying with its order. *See Certain Underwriters at Lloyd's v. AdvanFort Co.*, No. 1:18-CV-1421, 2020 WL 877981, at \*1 n.3 (E.D. Va. Feb. 21, 2020) (collecting cases). If a fine is imposed, the contemnor must be given an opportunity to purge himself of the contempt by showing compliance, as the very purpose of the fine is to coerce compliance. *See Davis v. Uhh Wee, We Care Inc.*, No. ELH-17-494, 2019 WL 3457609, at \*9 (D. Md. July 31, 2019); *Landman v. Royster*, 354 F. Supp. 1292, 1301 (E.D. Va. 1973) (noting that a fine is

appropriate to “impress upon the defendants the need to take all steps necessary to carry out all facets of the Court's order”).

Pizza My Heart asks the Court to impose sanctions to coerce the defendants to comply with this Court’s order and to compensate Pizza My Heart for the defendants’ non-compliance, Doc. 21 at ¶¶ 1–2, suggesting that a daily fine and an award of attorneys’ fees and expenses is appropriate. In its discretion, the Court finds and concludes that these are reasonable and appropriate sanctions.

The defendants have not presented any evidence indicating they are unable to pay a daily fine, and the record indicates that the trademark infringement is occurring during the operation of an ongoing business. As such, the defendants can pay the fine from their business proceeds. In similar cases, courts often impose daily fines between \$500 and \$1,000. *See, e.g., Trs. of the Heating, Piping & Refrigeration Pension Fund v. Clean Air Mech., Inc.*, Civ. No. JKB-17-3690, 2020 WL 6395292, at \*2 (D. Md. Nov. 2, 2020) (imposing a daily fine of \$500 on defendants who ignored subpoenas and failed to attend the show cause hearing); *Am. Nat’l Red Cross v. World Inst. of Safety LLC*, Civ. No. JKB-19-2310, 2020 WL 5913239, at \*1 (D. Md. Oct. 5, 2020) (imposing \$1,000 daily fine on a defendant-company ignoring court orders addressing similar trademark infringement violations); *Enovative Techs., LLC v. Leor*, 110 F. Supp. 3d 633, 635 (D. Md. 2015) (imposing \$1,000 daily fine on a defendant who was violating an injunction requiring him to remove defamatory statements from his website).

Upon consideration, and in view of the ongoing willful and blatant nature of the contempt of court and the defendants’ complete disregard for the proceedings in this

court, the Court will impose a \$1,000 daily fine to coerce compliance. The fine will be excused if the defendants purge their contempt within 15 days of this order, upon submission of testimony or declarations submitted under oath showing that the defendants have ceased all infringing conduct. At any time, the defendants may file evidence of compliance and a motion to terminate the daily fine. In the absence of proof of compliance, the Court will review the propriety of a continuing fine on or around October 29, 2021.

The Court will also award Pizza My Heart its attorneys' fees and costs because the defendants willfully and deliberately continued to use the "LIL' PIZZA MY HEART" trade name, trademark, and related heart logo, despite the clear and unambiguous language of the Court's order, permanent injunction, and judgment. *See Consol. HVAC, Inc.*, 2006 WL 2563367, at \*6.<sup>2</sup> Based on the evidence presented by Pizza My Heart, *see* Doc. 25, as authorized at the show cause hearing, the Court finds as a fact that Pizza My Heart incurred reasonable attorneys' fees and expenses of \$26,870.81 in its attempt to persuade and convince the defendants to comply with the Court's order, permanent injunction, and judgment, to prepare the pending motion and brief, and to attend the show cause hearing.<sup>3</sup>

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<sup>2</sup> While willfulness is not an element of civil contempt, *United States v. Westbrooks*, 780 F.3d 593, 596 n.3 (4th Cir. 2015), courts generally award attorneys' fees only upon a finding of "willful disobedience" evidenced by actions rising to the level of "obstinacy, obduracy or recalcitrance." *See Wagner v. Bd. of Educ. of Montgomery Cnty.*, 340 F. Supp. 2d 603, 620 n.8 (D. Md. 2004) (quotation omitted).

<sup>3</sup> This sum does not include attorneys' fees that Pizza My Heart incurred before the entry of the Court's June 26 order, permanent injunction, and final judgment. Doc. 25 at ¶ 14.

The Court **FINDS** that defendants LPMH, LLC, Nathan Scates Jones, and Reilley Jones are in civil contempt of the Court's June 26, 2020, order, permanent injunction, and judgment and hereby **ORDERS** each defendant to comply immediately with all provisions of the permanent injunction found on the court docket at Doc. 19.

It is further **ORDERED** that:

1. The plaintiff's motion for civil contempt, Doc. 21, is **GRANTED**.
2. The defendants, jointly and severally, shall pay for Pizza My Heart's reasonable attorneys' fees and costs of \$26,870.81 incurred to coerce the defendants' compliance with the Court's order, permanent injunction, and judgment, by delivering a check or money order to counsel of record for the plaintiff no later than April 30, 2021. Failure to pay these fees in full will result in entry of a civil judgment in the unpaid amount against the defendants without further notice and, upon notice and if appropriate, in additional sanctions.
3. The defendants, jointly and severally, shall pay a daily fine of \$1,000, payable to the United States, beginning today, and accruing until they show and prove that they are no longer in violation of the Court's June 26, 2020, order, permanent injunction, and judgment. The defendants shall pay this amount by check or money order delivered to the Clerk of Court. If the defendants submit proof of compliance by April 14, 2021, the fine will be excused. In the absence of proof of compliance, the Court will enter judgment in favor of the United States for the fine amounts at appropriate times and without further notice to the defendants.

4. The plaintiff shall file a status report no later than October 15, 2021. If the defendants have not purged their contempt, the Court will evaluate the propriety of continuing to impose a fine and may consider other sanctions. To that end, the Court may order the United States Marshal to arrest the defendants and hold them in custody pending a hearing before the Court to determine what additional steps are needed to coerce their compliance.
5. The Clerk shall mail a copy of this Order to each defendant at each address reflected in the record and show service on the docket.
6. Counsel for the plaintiff shall mail a copy of this Order to each defendant at any other addresses it has or of which it becomes aware.



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UNITED STATES DISTRICT JUDGE

# Exhibit 3



## INVOICE

Parker Poe Adams & Bernstein LLP  
ATTN: Catherine Lawson  
301 Fayetteville Street  
Suite 1400  
Raleigh, NC 27601

Invoice Number: **203105**  
Invoice Date: 01/16/2020

In Re: Bradley vs. Analytical Grammar, Inc.  
Case Number: 5:19-cv-249-FL  
Witness(s): Matthew Bradley  
Attendance Date: 12/12/2019, 10:00 a.m.

Description	Ext
Original & 1 Copy	404.75
--Witness Copy to Read & Sign	
Half Day Appearance Fee	115.00
Exhibits	76.65
--Complimentary PDF Package w/ Linked Exhibits	
Postage & Handling	15.00

Invoice Total: 611.40

JAN 09 10:11:25

We Appreciate Your Business!

Remit payment to:  
Depositions, Inc.  
1000 N Main St, Suite 215  
Fuquay-Varina, NC 27526

INVOICE DUE WITHIN 30 DAYS.

Tax ID: 45-4126707

A \$25 Late fee will be applied monthly to unpaid invoices.